

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawai'i 96813

May 11, 2012

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

Aloha Land Board Members:

**SUBJECT:** PROGRESS BRIEFING FOR RESEARCH PROJECTS, EDUCATIONAL TOURS AND ADMINISTRATIVE CHALLENGES OF THE HAWAII EXPERIMENTAL TROPICAL FOREST, HAWAII, TMK'S (3) 3-7-001:002; (3) 3-7-001:012; (3) 7-1-001:001; (3) 7-1-001:004; (3) 7-1-001:006; (3) 7-1-001:007; (3) 7-1-002:001; (3) 7-1-002:002; (3) 7-1-002:008; (3) 7-1-002:013

### **Background**

On January 25, 2007 the Board of Land and Natural Resources granted the U.S. Department of Agriculture, Forest Service (USFS), Pacific Southwest Research Station a non-exclusive permit to use State lands (Appendix A) situated at Laupahoehoe and Puu Waawaa, Hawaii for use as the Hawaii Experimental Tropical Forest (HETF).

The HETF includes two Units: the Laupahoehoe Wet Forest, totaling 12,343 acres, and the Puu Waawaa Dry Forest, totaling 38,885 acres. Unit maps are provided in Appendix A. The HETF overlays existing State of Hawaii, Department of Land and Natural Resources (DLNR) managed lands and include the following land designations: Forest Reserve and Natural Area Reserve in Laupahoehoe and Wildlife Sanctuary (Forest Bird Sanctuary), Forest Reserve and State Parks in Puu Waawaa.

The USFS works with the DLNR – Division of Forestry and Wildlife (DOFAW) and State Parks to manage research and education activities within the HETF. Further information regarding HETF management is outlined in the December 6, 2006 Cooperative Agreement (Appendix B) between the USFS and the State of Hawaii Board of Land and Natural Resources (referenced throughout this document as "HETF Cooperative Agreement").

In granting the Permit to Use State Lands, the USFS agreed to "consult regularly with the State including:

- a. Providing a copy of the annual report submitted to Congress as required by section 607 of the International Forestry Cooperative Act of 1990, as amended by the Hawaii Tropical Forest Recovery Act;
- b. Providing an annual report on the status of approved new and ongoing research (including the primary investigator, the research topic, the location for the research, dates of field research, date of anticipated results, and contact information for the primary investigator);
- c. Providing an annual report on the number of educational tours and total number of participants, and
- d. Annually reporting on the challenges faced in the administration of the Experimental Forest."

This submittal provides an overview of HETF administration, a summary of the research and education activities that have occurred within the HETF from 2007-2011, current plans for facilities and the challenges associated

with HETF administration. More detailed information can be found within two annual reports available online (<http://www.hetf.us/page/home/>) or hardcopy by request.

---

## **Administration**

Per the HETF Cooperative Agreement, "owing to the many values and benefits that arise from research, education and demonstration on the HETF and elsewhere, the Parties (*the USFS and the State of Hawaii*) further agree they will consult and reach agreements with each other to coordinate research, management, and education activities." The HETF Planning Group was established to fulfill this objective and includes the USFS-HETF Line Officer, the USFS-HETF Science Lead, the USFS-HETF Facilities Manager, the Hawaii Island Branch Manager, the Natural Area Reserves System (NARS) Hawaii Island Manager, the Forestry Section Hawaii Island Manager, East and West Hawaii Island Wildlife Biologists, the Puu Waawaa Coordinator, and two to three external partners. The HETF Planning Group is facilitated by the HETF Coordinator (USFS employee) and meets bi-monthly.

## **Permitting**

Permit applications for research and education activities are reviewed by a subset of the HETF Planning Group, the Research Technical Committee (RTC), which includes the USFS-HETF Line Officer, the Hawaii Island Branch Manager, the USFS-HETF Science Lead, the NARS Hawaii Island Manager, the Forestry Section Hawaii Island Manager, East and West Hawaii Island Wildlife Biologists, and the Puu Waawaa Coordinator. Permit processing and tracking is administered by the HETF Coordinator. Signing authority for all permits lies with the Hawaii Island Branch Manager. All research permits are valid for one year and require an annual report.

## **Community Advisory Councils**

Per the HETF Cooperative Agreement, "the Parties will consult with scientists, managers, general citizens, and local community members concerning ongoing research activities. Existing State sanctioned advisory councils may be utilized for this purpose." The Puu Waawaa Advisory Council has been in existence since 2002. The Laupahoehoe Advisory Council was formed in December 2010. Both Councils participate in research permit application review and their comments and/or recommendations are provided to the RTC during the review process.

## **Planning**

Existing management plans within the HETF boundaries include 1) The Management Plan for the Ahupuaa of Puu Waawaa and the Makai Lands of Puu Anahulu, approved in concept in 2003 and currently serving as the management framework at Puu Waawaa. 2) An outdated draft Laupahoehoe Natural Area Reserve Management Plan produced in 1989. For the Laupahoehoe Unit, the USFS has secured funding for a Management Plan and associated Environmental Assessment (EA). The DOFAW-NARS Project Coordinator will be writing the management plan and to date has begun the process of information gathering. In 2012, planning will begin to outline overall and site specific goals and priorities for research, education, and demonstration within the HETF boundaries to create an HETF Master Plan. Advisory councils, partners and stakeholders will be included in all planning activities. See the 'Facilities' section for additional planning information related to USFS properties and planned activities on State lands leased by the USFS (currently in the direct lease in principle stage).

## **Research**

### **Projects**

The HETF is utilized for research by universities, government agencies including the USFS, and private organizations (Figure 1). From 2007-2011, the HETF supported 63 research projects. Eight of these projects have been or are expected to be long term (5 or more years). Table 1 provides a breakdown of project locations within the HETF Units and yearly project totals. Research project locations may be specific to an HETF Unit or take place within both Units. Thirty-nine publications have been produced from research projects within the HETF in 26 different journals, newsletters and technical reports.

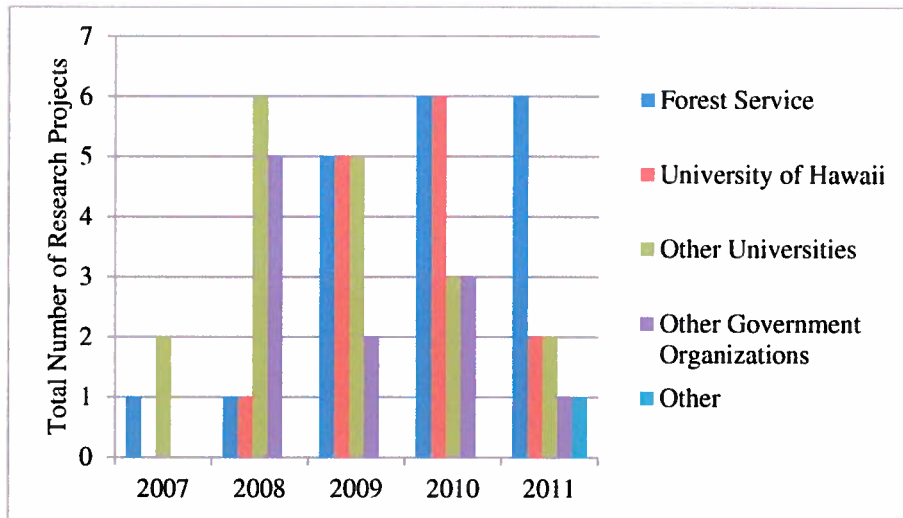


Figure 1: Affiliation for research projects initiated within the HETF from 2007-2011.

Table 1: Total research projects initiated in the HETF per year and grouped by Unit from 2007-2011. number of

Year	Laupahoehoe Unit only	Puu Waawaa Unit only	Both HETF Units	Total # of projects initiated
2011	5 (42%)	5 (42%)	2 (16%)	12
2010	8 (44%)	9 (50%)	1 (6%)	18
2009	10 (59%)	6 (35%)	1 (6%)	17
2008	6 (46%)	5 (39%)	2 (15%)	13
2007	1 (33%)	0	2 (67%)	3

A few of the research projects from 2010 and 2011 are highlighted below. More detailed information on all research projects including publication citations can be found within the two annual reports available online (<http://www.hetf.us/page/home/>).

- *Kiawe, nitrogen and water* - Dr. Flint Hughes, USFS, Dr. Becky Ostertag and Dr. Bruce Dudley, University of Hawaii-Hilo, and Dr. Thomas Giambelluca and Dr. Yoshiyuki Miyazawa, University of Hawaii-Manoa are conducting a project called "Quantifying the dynamics and magnitude of water loss from Kiawe forests in North Kona - Kiholo Bay". Kiawe trees (*Prosopis pallida*), a common sight in Hawaii are native to South America and are particularly at home in the dry, young soils on leeward coasts. Able to generate their own nitrogen, they have particularly deep roots and water retention capabilities which enable their growth in these harsh environments. However, their removal of scarce water resources and addition of nitrogen to soils may be altering leeward ecosystems, to the disadvantage of native plant and animal communities. To date the team's research has shown nitrogen content in leeward soils to be controlled by the presence and density of Kiawe trees, with larger and more dense stands exhibiting much higher rates of productivity and evolution of biologically active nitrogen, and that these rates are in turn determined by their access to groundwater resources near the coastal zone.
- *Ohia Rust disease surveys* - Rust disease caused by *Puccinia psidii* is affecting Ohia Lehua, a foundation species on the Big Island. Aileen Yeh is monitoring several sites on Hawaii Island including the Laupahoehoe Unit under a DOFAW contract for a project titled "Forest Disease Monitoring for Rust

Disease affecting Ohia Lehua". Seedlings and mature trees are monitored in both new and previously established plots; presence and absence of disease is recorded as well as the level of damage. Samples of rust found on Ohia, Guava, Strawberry Guava or other myrtaceae in the plot, are sent to the University of Hawaii-Manoa for analysis. Following visits will determine whether effects are worsening and impacting seedling and coppice growth. This study is consistent with the objectives of the NARS by monitoring the health of the forest as well as the impact of *Puccinia psidii* and possibly other pathogens on Hawaii's native forests.

- *Volcanic glass distribution* - Dr. Mark McCoy from the University of Otago, in New Zealand, studied volcanic glass and its use for lithic tool manufacture in the Puu Waawaa Unit in an effort to better understand ancient Hawaiian social interactions before European contact. Dr. McCoy concluded that the natural distribution of volcanic glass was strictly limited to geographic range and that Hawaiian's rarely accessed these sources beyond a short distance, perhaps 50km.
- *Hawaiian Hoary bat activity* - Dr. Frank Bonaccorso with the US Geological Survey, continues his long term study of the Hawaiian Hoary Bat in the Laupahoehoe Unit. Dr. Bonaccorso has noted consistent seasonal patterns of bat activity and occupancy amongst the Ohia and Koa dominated forest. He considers the Laupahoehoe Natural Area Reserve "the jewel" in the crown of Hawaiian Hoary bat habitat on the island of Hawaii.
- *Tropical forest comparisons* - Patterns of species richness, diversity, density, basal area, biomass, and size class distributions are being compared among Hawaiian forests and across a global network of tropical Forest Dynamics Plots (FDP) by a research team consisting of Dr. Susan Cordell and Dr. Christian Giardina, USFS, Dr. Becky Ostertag, University of Hawaii-Hilo, and Dr. Lawren Sack, University of California-Los Angeles. Results from the 1<sup>st</sup> census show that while the Hawaii Forest Dynamics Plots (HIPNET, <http://www.hippnet.hawaii.edu/>) were floristically distinct, they were not as different in stem densities. The Montane Wet Forest (Laupahoehoe) had greater species richness than the Lowland Dry Forest (Palamanui) (21 versus 15, respectively), and 7.8 to 8.5-fold higher basal area and biomass. The Hawaiian FDPs support the lowest species richness in the global Center for Tropical Forest Science Network (<http://www.ctfs.si.edu/>), and just 6-21% of the species richness observed in the most comparable island FDPs. By contrast, the Laupahoehoe plot was within the range of other tropical FDPs in measures of stand structure including stem density, basal area, and size class distributions. A new HIPNET site is being installed in the Puu Waawaa Forest Bird Sanctuary this year.
- *Forest Inventory and Analysis Program (FIA) in Hawaii* - FIA is a nationwide USFS program aimed at collecting, analyzing, and reporting information on the status and trends of America's forests. With the support and coordination of numerous entities in Hawaii, Hawaii's FIA program collects additional information on the presence of invasive plants and other disturbances such as feral pigs to provide a baseline assessment of the current state of forests all over Hawaii. In 2011, the FIA team installed 35 out of 47 plots in the Puu Waawaa Unit and 24 out of 30 plots in the Laupahoehoe Unit. These plots represent a portion of the approximately 600-700 plots proposed for all of Hawaii. Plots will be re-measured every 10 years to provide insights into changes in forest extent, composition, structure, and disturbances.
- *Delineating populations, species and inter-species hybrids of endemic plant and insect species* - Dr. Karl Magnacca recently completed his work in both the Puu Waawaa and Laupahoehoe Units on the Moore Foundation Hawaiian Barcoding Project. The projects aim is to examine DNA sequencing data from several endemic groups of plants and insects on Hawaii Island (as well as other islands) to delineate populations, species and inter-species hybrids. Manuscript submittal on phylogeny and conservation status for this project are expected in spring 2012.

## Research Infrastructure

Long term data monitoring equipment has been installed in the Laupahoehoe Unit including 3 stream gauges and a free standing aluminum weather station. The purpose of the stream gauges is to measure natural stream flows, water quality and sediment in a non-destructive manner. The gauges in the Laupahoehoe Unit are located in

Kaiwilahilahi, Haakoa, and Kaawalii streams. The Laupahoehoe weather station is part of the EPSCoR-ENDER (Experimental Program to Stimulate Competitive Research - Environmental Dynamics and Ecosystem Responses) Climate Network, an island-wide network of climate stations currently consisting of 7 individual stations at locations across the island of Hawaii. The Laupahoehoe weather station extends 10 feet above the forest canopy and collects daily rainfall, temperature, relative humidity, wind-speed, solar radiation (sunlight), soil moisture, soil temperature, and wind direction. Data from the EPSCoR-ENDER Climate Network will be available online for public use hopefully by the end of 2012.

A sister weather station is planned for the Puu Waawaa Unit located in the Forest Bird Sanctuary. This weather station was recently approved for a Conservation District Use Permit and station construction is expected between June and December 2012.

## Education

Both HETF Units are utilized for education and outreach activities. From 2007-2011, 409 participants on 31 trips visited the Laupahoehoe Unit and 1,920 participants on 88 trips visited the Puu Waawaa Unit. Table 2 contains annual data for the number of educational trips and participants within the HETF Units. Activities are categorized as education, service, education/service (this is when an education trip also includes a service portion) and other (which includes trainings, surveys (engineer, archaeological, plot or private) as well as site visits, tours, media visits and Hawaiian cultural practices such as Hoolaulea).

Table 2: Total number of research projects initiated in the HETF per year and grouped by Unit from 2007-2011.

Year	Laupahoehoe Unit		Puu Waawaa Unit	
	# of participants	# of trips	# of participants	# of trips
2011	117	6	309	16
2010	120	6	59	7
2009	87	7	698	34
2008	76	11	854	31
2007	9	1	no data	no data
<b>Totals:</b>	<b>409</b>	<b>31</b>	<b>1920</b>	<b>88</b>

Some examples of educational activities from 2010 and 2011 are highlighted below. More detailed information on all education activities can be found within the two annual reports available online (<http://www.hetf.us/page/home/>).

- The University of Hawaii-Hilo's Pacific Internship Programs for Exploring Science (PIPES) 2011 interns visited the Laupahoehoe Unit to discuss the effects of strawberry guava on native forests: the change of water availability with climate change and ecosystem services.
- The More Kids in the Woods- Starts with a Seed Program trip hosted over 30 students from Honokaa High School's Forestry Class in the Laupahoehoe Unit. The trip focused on forest ecosystems services, native and non-native plants, and science careers.
- Steve Mattox of the Department of Geology at Grand Valley State University, Michigan, took two trips into the Puu Waawaa Unit in 2011. The first trip included geology students and professors and the second trip included high school Earth Science teachers.
- Imi Pono no ka Aina, the Three Mountain Alliance Environmental Education Program, utilizes the Puu Waawaa Unit as part of their summer enrichment program. In 2011, 12 students, grades 6-12, learned

about the history of the area as well as participated in a service project with Puu Waawaa coordinator Elliott Parsons.

- Alan Nakagawa of Digital Science Solutions, as part of his five day “Pacific Science Challenge 2010”, took a group of 19 students into the Puu Waawaa Unit on “day two” of the challenge, where they engaged in using GIS and GPS technology to learn about their environment.
- Susan Cordell, USFS, led a field trip for the Montreal Process into the Laupahoehoe Unit. The Montreal Process is the Working Group on Criteria and Indicators for the Conservation and Sustainable Management of Temperate and Boreal Forests. It was formed in Geneva, Switzerland, in June 1994 to develop and implement internationally agreed criteria and indicators for the conservation and sustainable management of temperate and boreal forests. The Group discussed native forest issues in Hawaii; points of interest included the HETF facilities and the Hawaii Permanent Plot Network (HIPNET) climate station and plot.
- Sixteen students from Ryukoku University in Otsu, Japan, visited the Laupahoehoe Unit to discuss Hawaiian Forest Dynamics.
- University of Hawaii-Hilo instructor, Christine Kornet, took her Conservation Biology class on an educational field trip into the Laupahoehoe Unit to take a look at the changes in invasive/exotic species dominance and their impact on native species.

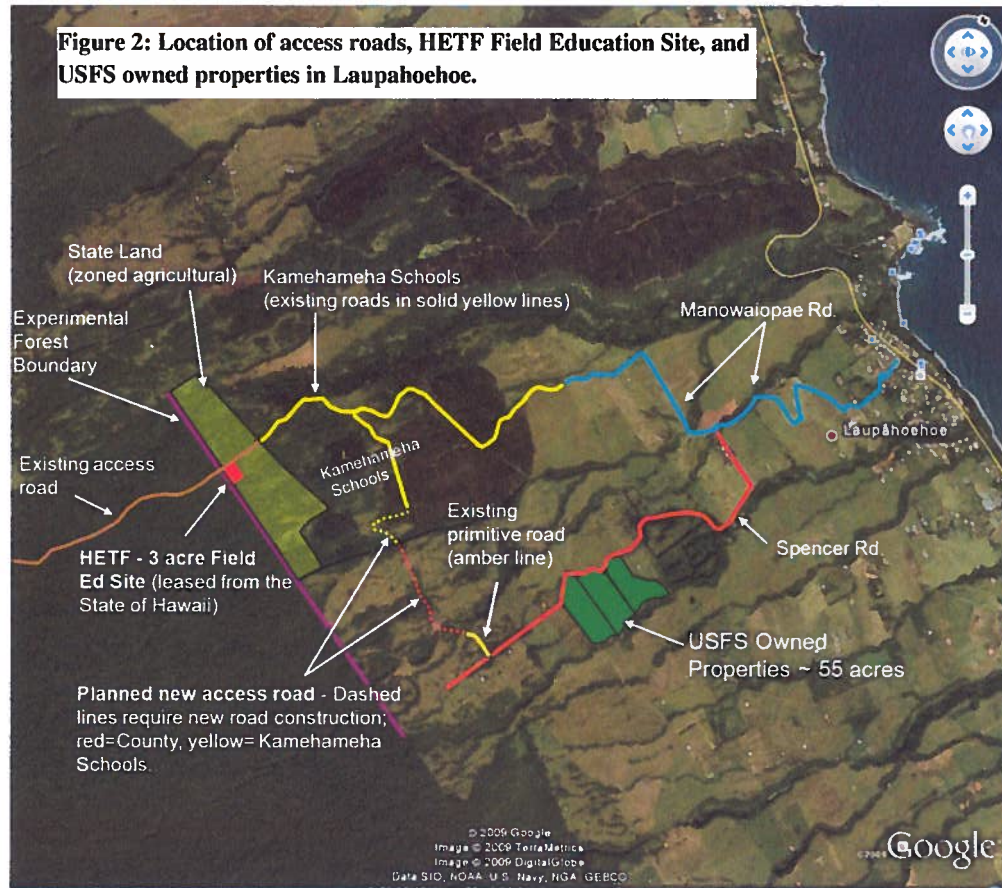
## **HETF Facilities**

Facility plans for the Laupahoehoe Unit have been solidified with the purchase of USFS owned properties in Laupahoehoe and completion of the Laupahoehoe Construction Project EA in November 2010. The USFS owned properties are located off Spencer Road and include a single family home on 55 acres of old sugar cane lands (Figure 2). The Spencer facility includes meeting/classroom space, overnight accommodations for up to 12 (plus camping potential), kitchen, and restrooms. The facility uses solar power with a backup diesel generator and potable catchment water is provided through UV filtration. There are plans to build an additional 10-person bunkhouse to increase capacity should the need and the funding arise. The Spencer facility is located approximately 4 miles from the HETF boundary via existing public access.

Additionally, the USFS plans to build a covered pavilion with restrooms and parking on a 3-acre fenced area below the HETF boundary on State of Hawaii agricultural zoned lands (Figure 2). The USFS currently holds a direct lease in principal for this site pending the completion of the lease conditions. This site would serve as a stepping stone for education and outreach trips into the forest with the potential for restoration and other demonstration and education activities within the three acre fenced area. Finally for the Laupahoehoe Unit, a new access road (Figure 2) will be built through public (USFS and Hawaii County) and private (landowner) partnership. This road will be located in a County Right of Way until it reaches Kamehameha Schools lands where it will tie into existing Kamehameha Schools roads. The road would be gated at the Kamehameha Schools boundary. This new access will allow permitted travel to the HETF boundary in a 2-wheel drive high clearance vehicle which greatly improves education and outreach opportunities for the Unit. See the Laupahoehoe Construction Project EA ([http://www.hetf.us/page/projects\\_plans/](http://www.hetf.us/page/projects_plans/)) for more detailed information regarding the project.

In the Puu Waawaa Unit, the quarry site had been selected in the past as the location for future HETF facilities. However, during Phase I Environmental Site Assessment of the quarry site, a buried diesel tank and asbestos in a concrete building was discovered. Given the potential for additional hazardous materials to be uncovered, the HETF facility site had to be relocated. As of November 2011, a potential site has been located adjacent to the Landing Strip. Plans for the Puu Waawaa facility include a bunkhouse, office space, classroom/meeting room, greenhouse and workshop. Phase planning for the facility is currently underway.





## HETF Administrative Challenges

Concerns, comments and challenges associated with HETF administration are provided internally by HETF Planning Group members and other USFS and DOFAW staff and externally by community members and/or research permit holders when they file annual reports. Prior challenges that have been addressed are included.

### Current Concerns, Comments and Challenges

- System needed for tracking educational activities that occur via State Access permits rather than HETF educational permits.
- Researcher feedback that being able to check out keys for extended periods of time would be more convenient.
- A Management Plan is needed for the Laupahoehoe Unit in order to guide decision making.
  - *Work scheduled to begin on this Plan in 2012.*


### Prior HETF Concerns, Comments and Challenges that have been addressed

- Criteria are needed to determine when a project is considered research versus a State management activity. State management activities do not require an HETF permit. Example activities include: Naio thrip and gall wasp monitoring.
  - *If the project is managed by a State employee no research permit is needed. If a project is contracted out with no immediate State employee supervision, the contractor is required to complete a permit.*
- Clarity is needed on how management and monitoring actions by the State could be reported to the USDA Forest Service for overall HETF tracking.

- *Information regarding DOFAW management and monitoring actions are available via annual DOFAW reporting requirements to the BLNR, NARS Commission and Legislature.*
- Full time staff is needed to help manage the permit system, track decisions and policies instituted by the HETF Planning Group, and ensure the completion of the legal requirements per the Cooperative Agreement and permit to use State lands.
  - *A full-time HETF Coordinator was hired in July 2010 in a term position; however a permanent position has yet to be established.*
- Few annual reports were received from researchers.
  - *Annual reports became a condition of the permit renewal process as of November 2010. Reminders to submit annual reports are sent to those not renewing.*
- Some research projects in the Laupahoehoe NAR were not initially captured due to confusion on which entity (NAR System Commission or HETF) should handle and approve permits.
  - *Problem has not reoccurred since the initial discussions regarding this problem.*
- An advisory council for the Laupahoehoe Unit is needed to fulfill the requirements of the Cooperative Agreement and to make recommendations for the Management Plan.
  - *The Laupahoehoe Advisory Council (LAC) was officially formed in December 2010.*
- No system is in place to remind permit holders that their permit would expire, increasing the likelihood that ongoing project permits would lapse.
  - *Email reminders are now sent to researchers two months before permit expiration.*
- No system is in place for the USFS to know if permits were signed and if the permittee had picked up the permit from DOFAW.
  - *The USFS now inquires regularly with the Hilo DOFAW office staff regarding permit status.*
- There were complaints from forest users (non-researchers) concerning PVC, equipment, and rebar in the forest. They were concerned about safety issues and no public notice that these materials and equipment would be placed in the forest.
  - *Rebar is no longer allowed in the HETF, a decision made in early 2010. Existing rebar removal/replacement in permitted research plots was accomplished by October 1, 2011. PVC must now be painted with green or brown paint and capped.*
- No clear valid permit dates indicated on permits.
  - *Modified the permit content so that valid permit dates were clear. All permits are now valid for only one year after being signed by the DOFAW branch manager.*
- A systematic close out plan is needed to ascertain that no equipment is left behind in the HETF after project completion.
  - *A detailed research close out plan is now required on the permit application.*



Respectfully submitted,

  
PAUL J. CONRY  
Administrator

Attachments

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, Chairperson  
Board of Land and Natural Resources

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR

DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCES MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

## **PERMIT TO USE STATE LANDS**

Pursuant to the authority granted by the Board of Land and Natural Resources at its meeting of January 25, 2007, (Item C-2), the U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, ("USDA Forest Service" or "Permittee"), is hereby granted a non-exclusive permit to use State lands situated at Laupāhoehoe and Pu'u Wa'awa'a, Hawai'i, identified by tax map key parcel numbers: (3) 3-7-001:002; (3) 3-7-001:012; (3) 7-1-001:001; (3) 7-1-001:004; (3) 7-1-001:004; (3) 7-1-001:006; (3) 7-1-001:007; (3) 7-1-002:001; (3) 7-1-002:013; (3) 7-1-002:002; (3) 7-1-002:008, and as shown on the attached maps, for use as the Hawai'i Experimental Tropical Forest (Laupāhoehoe and Pu'u Wa'awa'a units), in compliance with the herein referenced Cooperative Agreement. The USDA Forest Service is acting through the Institute of Pacific Islands Forestry located in Hilo, Hawaii.

### **Definitions:**

"Assigns" means the employees, contractors, agents, and consultants.

"Cooperative Agreement" means the Cooperative Agreement between the State of Hawaii, Board of Land and Natural Resources and the U.S. Department of Agriculture, Forest Service, dated December 12, 2006.

"Hazardous Material" means any pollutant, toxic substance, hazardous waste, hazardous substance, or oil as defined in pursuant to applicable federal law, including, but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901, et seq., the Clean Water Act, 33 U.S.C. §§ 1251, et seq., Clean Air Act, 42 U.S.C. §§ 7401, et seq., the Safe Drinking Water Act, 42 U.S.C. §§ 300f, et seq., the Oil Pollution Act, 33 U.S.C. §§ 2701, et seq., the Toxic Substances Control Act, 15 U.S.C. §§ 2602, et seq., and the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136, et seq., or any state law or regulation promulgated pursuant to such federal law.

This Permit is subject to the following conditions:

1. This permit to use State lands shall be effective from the last date shown below and extend for thirty-five years from December 12, 2006, the date the parties entered the Cooperative Agreement.
2. This permit to use State lands is a non-exclusive authorization for the USDA Forest Service and its assigns to occupy and use the Hawaii Experimental Tropical Forests for

the purpose of research, education, demonstration, and related purposes. This permit shall be effective for the following general purposes:

- a. To conduct long-term ecological, forestry, hydrological, and other natural resources-related research;
- b. To conduct long-term studies at scales from the plot to the watershed on forestry, conservation biology, endangered species, and invasive species;
- c. To conduct baseline studies and monitor results and benefits of forest management practices on important issues facing Hawaii including but not limited to: weed control, invasive pest control, forest restoration, aquatic ecology, hydrology, ungulate management, forest recreation, recreational hunting, fire control, cultural subsistence gathering, and protection and reintroduction of native plants and animals;
- d. To conduct studies on forest silviculture and sustainable management and to develop new commercial forest products;
- e. To conduct global climate change research;
- f. To attract and conduct multidisciplinary research studies by scientists from federal and state agencies, non-governmental organizations, and universities;
- g. To provide for environmental education and demonstration for groups ranging from school children to continuing education for land managers, natural resource professionals, and the general public;
- h. To form a management/research partnership where information needs and new findings are freely exchanged between the USDA Forest Service and the State; and
- i. To construct, maintain, and improve needed infrastructures, including: a new field station facilities at Laupāhoehoe and renovation of existing structures for use as a field station at Pu'u Wa'awa'a consisting of dormitories, work areas, demonstration/education buildings, and storage facilities, gaging stations in streams, weather stations, eddy covariance towers, and similar devices, maintenance of the existing trail system and development of new trails for access, and maintenance and improvement of existing roads.
- j. To engage in the specific activities listed on Exhibit A to this permit.

Research or activities requiring additional Federal, State, or county permits or approvals, including but not limited to environmental assessments or conservation district use permits, will be subject to the procedures in effect for obtaining such permits or authorizations.

The USDA Forest Service must obtain the prior written consent of the Board before construction of infrastructure or making any major improvements, as outlined in section IV.I of the Cooperative Agreement. Any major improvements, including but not limited to buildings and fences, erected on or moved onto the Premises by the USDA Forest Service shall remain the property of the USDA Forest Service and the USDA Forest Service shall have the right, prior to the termination or revocation of this Permit, or within an additional period the Board in its discretion may allow, to remove the improvements from the Premises.

3. This permit to use State lands constitutes an authorization for the USDA Forest Service and its assigns to conduct activities described herein as authorized under the Cooperative Agreement. For activities conducted by entities other than the USDA Forest Service and its assigns permits to conduct those activities shall be secured as outlined in Sections III and VI through IX of the Cooperative Agreement. The permit or any rights hereunder shall not be sold, conveyed, leased, mortgaged, or otherwise transferred or disposed of. Persons acting under this permit shall carry a copy of the permit or a signed authorization from the USDA Forest Service indicating their name, purpose, and dates of authorization with them at all times while in the permit area and

shall, upon request, show the permit or signed authorization to any law enforcement officer, or the authorized representative of the Board of Land and Natural Resources.

4. **USDA Forest Service shall insure that in the exercise of this permit to use State lands, it shall comply with all laws, statutes, ordinances, rules and regulations of the Federal, State, and county governments affecting the permit area. In addition, prior to activities in Laupāhoehoe Natural Area Reserve, USDA Forest Service shall ensure that proposed activities are to be performed in a manner which is consistent with NARS management objectives, HRS § 195-1 and in consultation with the Hawaii Island Natural Area Reserves System Area Manager to ensure that proposed activities remain consistent with NARS objectives and management actions. Prior to activities in Pu'u Wa'awa'a, USDA Forest Service shall ensure that proposed activities are to be performed in a manner consistent with the Pu'u Wa'awa'a Management Plan and in consultation with the Pu'u Wa'awa'a Coordinator.**
5. **In the event any unanticipated sites or remains such as bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls are encountered USDA Forest Service, its contractors, and consultants shall immediately stop work and contact the State Historic Preservation Division in Kapolei at (808) 692-8015.**
6. **USDA Forest Service agrees to consult regularly with the State, including the appropriate DLNR land manager, on proposed and ongoing activities within the permit area, to ensure open and full communication and to minimize conflicts and maximize benefits between planned and ongoing research projects and between research projects and land management.**
7. **USDA Forest Service, through the Hawaii Experimental Tropical Forest Research Committee established under the Cooperative Agreement, agrees to consult regularly with the State, including:**
  - a. **Providing a copy of the annual report submitted to Congress as required by section 607 of the International Forestry Cooperative Act of 1990, as amended by the Hawaii Tropical Forest Recovery Act;**
  - b. **Providing an annual report on the status of approved new and ongoing research (including the primary investigator, the research topic, the location for the research, dates of field research, date of anticipated results, and contact information for the primary investigator);**
  - c. **Providing an annual report on the number of educational tours and total number of participants; and**
  - d. **Annually reporting on the challenges faced in the administration of the Experimental Forest.**
8. **The USDA Forest Service will maintain the improvements on the land that are being used by the Forest Service or its assigns. The USDA Forest Service will keep the permit area and improvements in a clean, sanitary, and orderly condition. Disturbance of native vegetation and native wildlife shall be avoided as much as possible. The USDA Forest Service will not make, permit, or suffer, any waste, strip, spoil, nuisance or unlawful, improper, or offensive use of the permit area. Precautions shall be taken to prevent introductions of plants and animals not naturally present in the permit area, including inspection and cleaning of clothing, equipment, and vehicles. At all times with respect to the permit area, USDA Forest Service will use due care for public safety and will use appropriate precautions and measures to minimize inconveniences to surrounding residents, landowners, lessees, and the public in general.**

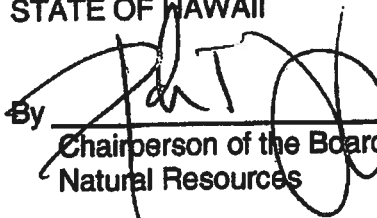
9. The State will remain primarily responsible for normal land management functions, including but not limited to control of public access, fire suppression, law enforcement, regulation of hunting and grazing activities, invasive species management, and forest disease, insect, and ungulate control. The Board will be responsible for maintenance of all improvements not used, built or placed on the land by the USDA Forest Service. The Board reserves the right for its employees, agents or representatives to enter or cross any portion of the permit area at any time.
10. Liability for any loss, damage, claim, demand, or action, caused by, arising out of or connected with the operations authorized by the Cooperative Agreement shall be governed by applicable State and Federal law. To the extent that the USDA Forest Service requires third parties, including but not limited to its contractors or consultants, to procure liability insurance or to indemnify the Forest Service, the USDA Forest Service shall also require such third parties to insure and indemnify the State.
11. This permit may be modified at any time by mutual agreement of the Director, Institute of Pacific Islands Forestry, USDA Forest Service, and the Board of Land and Natural Resources.
12. Permittee and its assigns shall not cause or permit the escape, disposal or release of any hazardous materials except as permitted by applicable federal and state law. Proposed use of hazardous materials in research activities will be disclosed to the State through the research review and approval procedures of the Hawaii Experimental Tropical Forest Research Committee and the processes for activities authorizations prescribed by the Cooperative Agreement. Permittee and its assigns shall store and use hazardous materials only as prescribed by federal law. Liability for release of a hazardous material shall be in accord with applicable Federal and state law.

To the extent that the Permittee requires its contractors or consultants to indemnify, defend, and hold the Permittee harmless from any damages and claims resulting from the release of hazardous materials on the permit area occurring while Permittee or its contractors are in possession of the permit area, or elsewhere if caused by Permittee's contractors acting for or on Permittee's behalf, Permittee shall also require such contractors or consultants to indemnify the State. These covenants shall survive the expiration or earlier termination of this permit.
13. In the event of an alleged violation of this permit, the State will contact the Director of the Institute of Pacific Islands Forestry (or other designated official of the USDA Forest Service) with notice of such violation and a reasonable time permitted to cure the violation.
14. Disputes shall be resolved by the Station Director, Pacific Southwest Research Station, USDA Forest Service, and the Board of Land and Natural Resources. Disputes involving Laupāhoehoe Natural Area Reserve shall be taken to the Natural Area Reserve System Commission first for their recommendation to the Board of Land and Natural Resources.

IN WITNESS WHEREOF, the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused these presents to be executed the day, month and year first above written.



STATE OF HAWAII

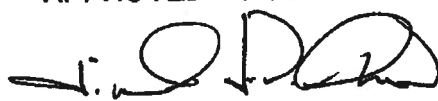
By \_\_\_\_\_  
Chairperson of the Board of Land and  
Natural Resources

Approved by the Board of  
Land and Natural Resources  
at its meeting held on JAN 26 2007

USDA FOREST SERVICE

\_\_\_\_\_  
James Sedell, Station Director  
Pacific Southwest Research Station

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Attorney General  
State of Hawaii

Dated: 1/26/07

### **Exhibit A to Permit**

The following activities, when undertaken by the Forest Service or its assigns pursuant to actions authorized in accordance with the provisions of the Cooperative Agreement for research between the State of Hawaii and the Forest Service, are authorized by this Permit. For purposes of this Exhibit A, "nondestructive" means an activity that does not destroy or harm the object of analysis.

1. Operations and maintenance of buildings, dormitories, work areas, demonstration/education buildings, storage facilities, and management structures on experimental forest lands or other state lands encumbered under lease, license or permit.
2. Minor modification of existing buildings, work areas, demonstration/education facilities, and storage facilities to improve their usefulness as per the cooperative agreement, or to provide for public and worker safety.
3. Maintenance or modification of landscaping and other minor land and vegetation improvements around buildings, work areas, storage facilities on experimental forest lands to improve site use or public safety, including cutting and/or removal of vegetation, and use of pesticides and herbicides to maintain landscaping.
4. Cutting and/or removal of exotic/nonnative vegetation and animals or use of pesticides and herbicides to control or prevent the establishment or spread of invasive species.
5. Maintenance and operation of all facilities and improvements that are used by the U.S. Forest Service or its assigns, or those installed under research permits as per agreement of the Forest Service.
6. Maintenance of existing roads to facilitate access and diminish ecological damage from roads in poor condition, including the cutting or removal of roadside vegetation, and use of herbicides and pesticides in road right-of-way.
7. Maintenance of the existing trail system facilitate access, minimize trampling damage and insure safety of users, including the cutting or removal of roadside vegetation, and use of herbicides and pesticides in the trail corridor.
8. To participate in or conduct hikes, nature study, or other passive recreational activities.
9. Non-destructive inventory and monitoring of basic resources of experimental forest lands.
10. To lead site tours or provide access to school children, land managers, natural resource professionals, and the general public for forest education purposes and demonstration projects.

11. Installation and maintenance of directional and informational signs for worker, visitor, and public use and safety.
12. Monitoring of public use and environmental conditions in and around public use facilities, including placement of temporary electronic devices for environmental monitoring or sampling (for periods  $\leq 36$  months), and the sampling of air and gasses (plant and soil respiration) within the experimental forest.
13. Use of motorized or unmotorized vehicles and equipment off established roads and trails or other designated vehicle-areas for approved management and research plan activities or to respond to emergency situations.

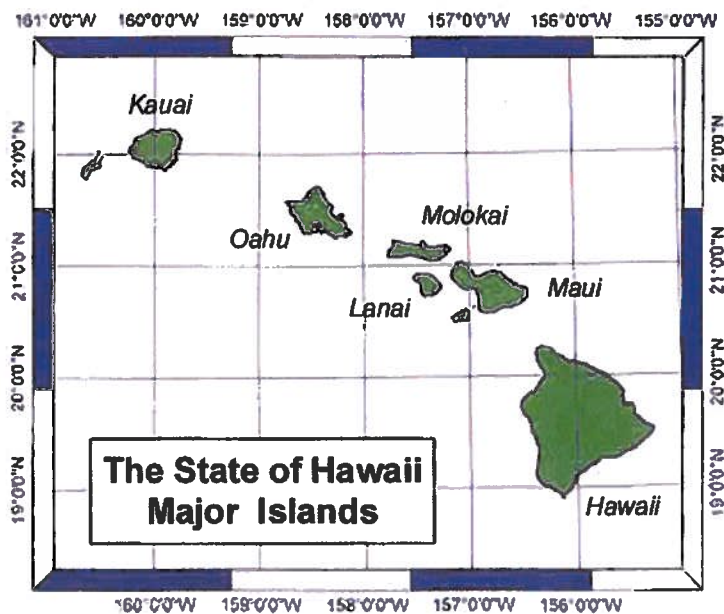
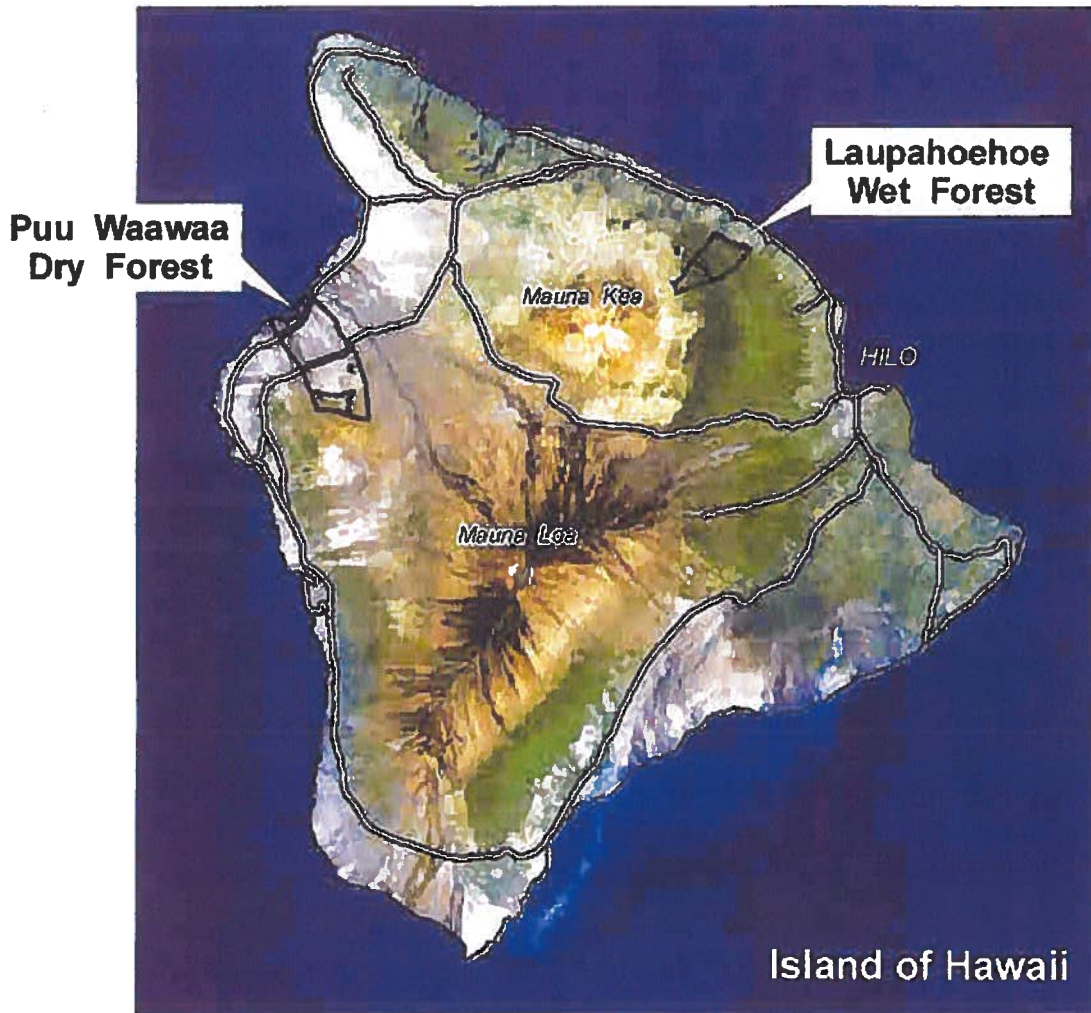
The following eleven activities are also authorized by this permit when undertaken by the Forest Service or its assigns pursuant to research actions authorized by the Hawaii Experimental Tropical Forests Research Committee in accordance with the provisions of the Cooperative Agreement for research between the State of Hawaii and the Forest Service.

14. Non-destructive inventory, measurements, censuses, and monitoring of trees, ferns, understory plants, birds, mammals, insects, and aquatic organisms where there is no harm to the organisms (includes both ground-based and remotely sensed measures).
15. Non-destructive inventory, measurements, and monitoring of the forest floor, dead and downed wood, and soils.
16. Non-destructive inventory, measurements, and monitoring of streams, ponds, and other aquatic ecosystems.
17. Nondestructive hydrological and geomorphic studies which do not involve the erection of structures or long term placement of equipment.
18. Erection of small protective fences and barriers  $\leq 10$  acre in area (and the removal of exotic species within such plots).
19. Construction of temporary blinds and field observation structures.
20. Soil and plant nutrient cycling research.
21. Biocontrol research to control invasive plants and animals - manipulate densities of state and federally permitted biocontrol agents through redistribution and experimental methods, including caging plants or parts of plants.
22. Introduction and use of carbon, oxygen, nitrogen and other isotopes for research.

23. Non-destructive collection of plant material (excluding all listed T&E plants), soils, and water samples for laboratory analysis.

24. Collection of plant and insect samples that are from common, exotic, and abundant taxa for laboratory, greenhouse, or herbarium sampling (excluding all listed T&E species).

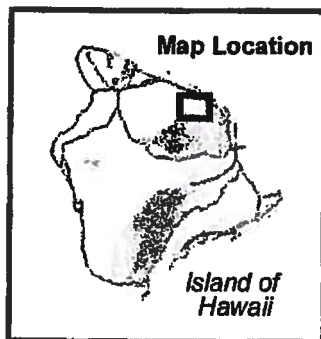
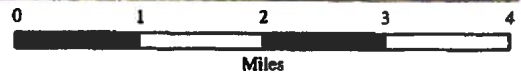
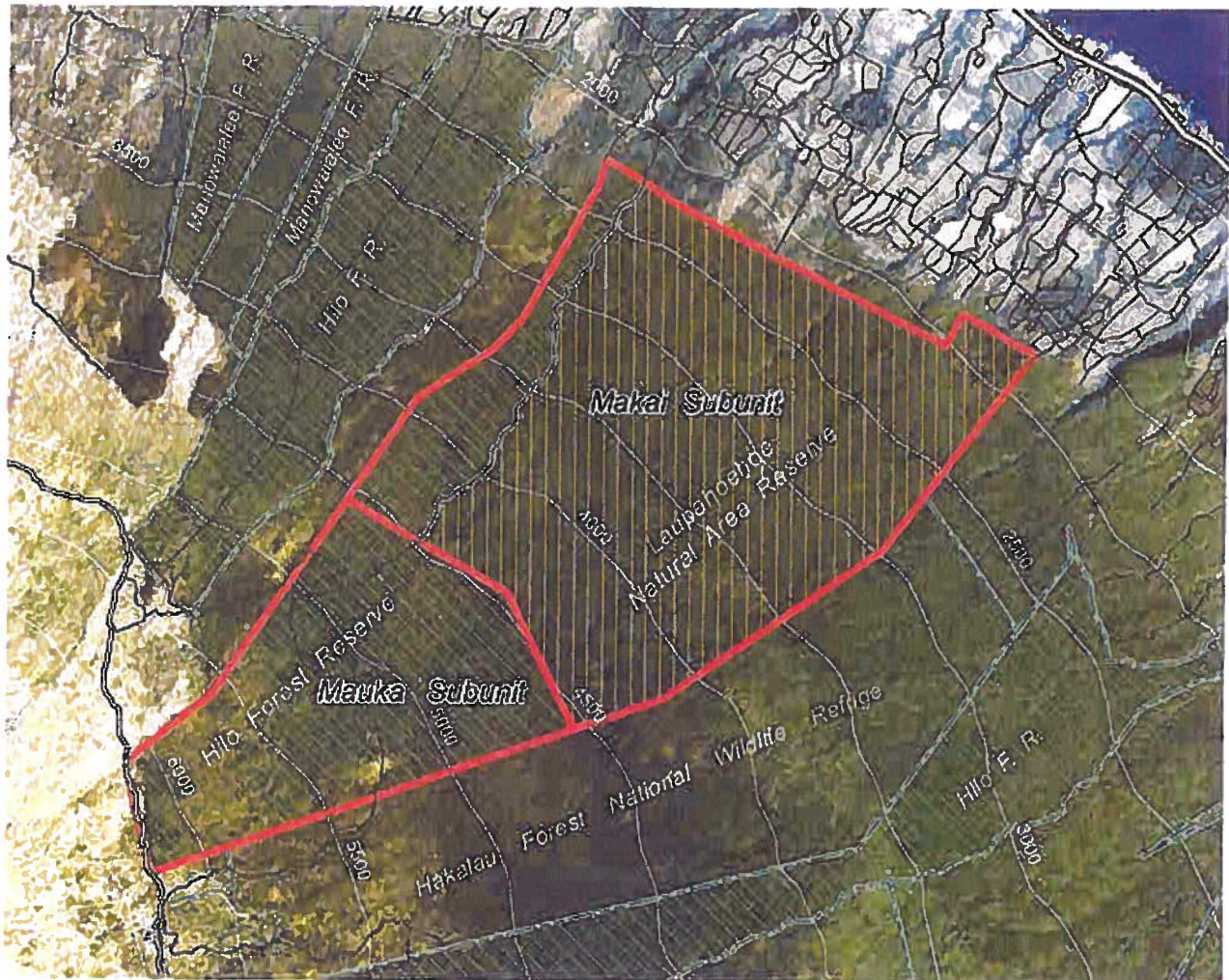
## MAP 1. Location



State of Hawaii  
Department of Land and Natural Resources  
Division of Forestry and Wildlife  
Map No. FW - 0669 (08/2006)  
Contact: Ronald Cannarella  
Telephone: (808) 383-3077  
Email: [Ronald.J.Cannarella@hawaii.gov](mailto:Ronald.J.Cannarella@hawaii.gov)



## MAP 2. Laupahoehoe Wet Forest : Subunits and Geography



### Legend

- HETF Boundary
- Forest Reserve
- Natural Area Reserve
- Major Road
- Secondary Road
- Minor Road and Trail
- Stream
- 500-Foot Contour

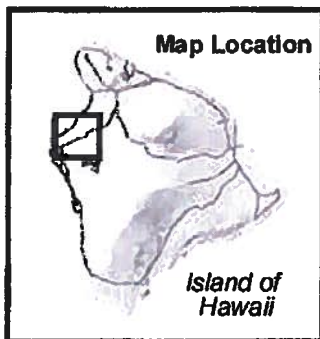
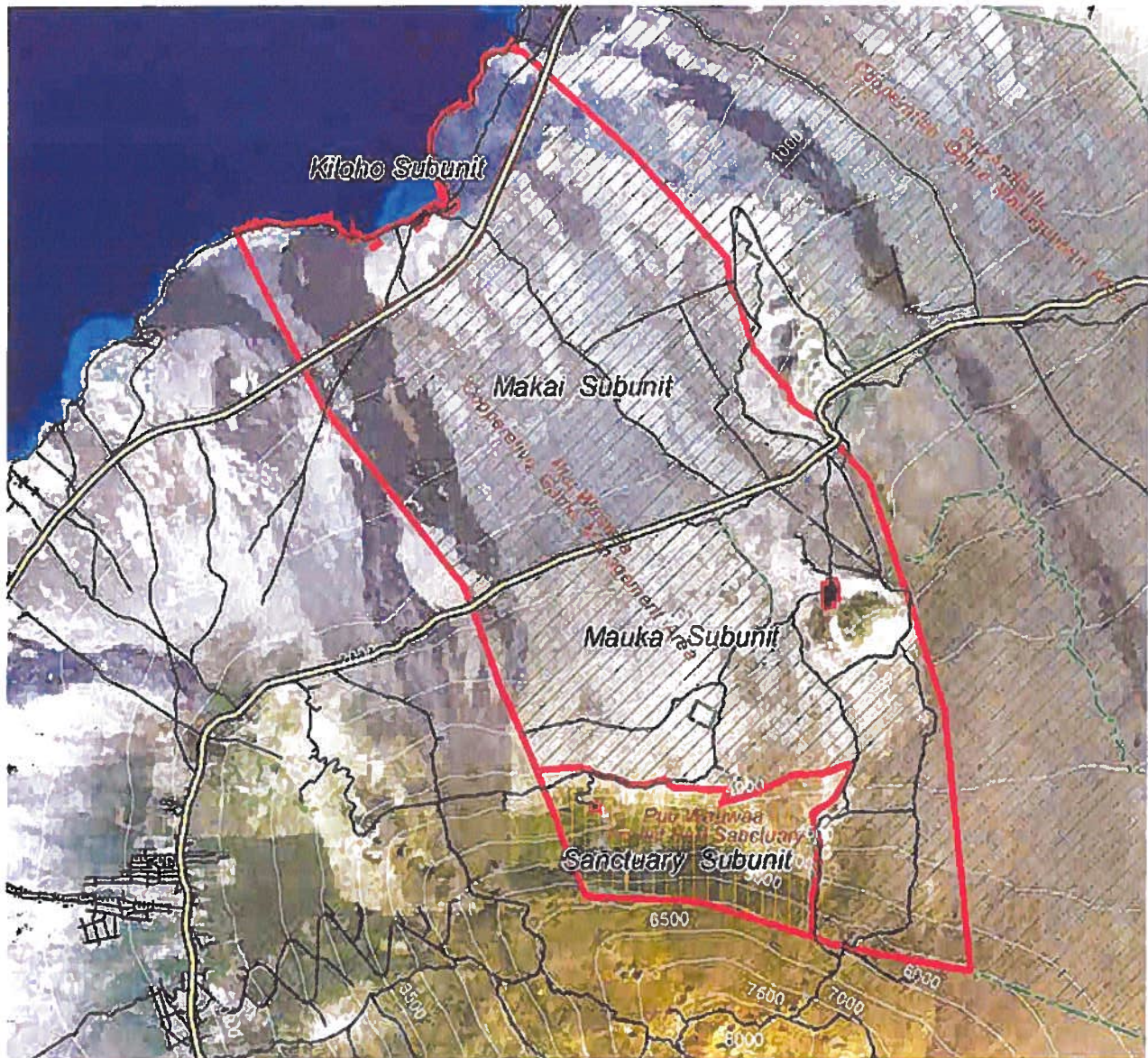


State of Hawaii  
Department of Land and Natural Resources  
Division of Forestry and Wildlife  
Map No. FW - 0670 (08/2006)  
Contact: Ronald Cannarella  
Telephone: (808) 383-3077  
Email: Ronald.J.Cannarella@hawaii.gov

Data Source : Landsat; State of Hawaii GIS



# MAP 3. Puu Waawaa Dry Forest : Subunits and Geography



## Legend

- HETF Boundary
- Game Management Area
- Bird Sanctuary
- Major Road
- Minor Road and Trail
- Stream
- 500-Foot Contour



State of Hawaii  
Department of Land and Natural Resources  
Division of Forestry and Wildlife  
Map No. FW - 0673 (08/2006)  
Contact: Ronald Cannarella  
Telephone: (808) 383-3077  
Email: [Ronald.J.Cannarella@hawaii.gov](mailto:Ronald.J.Cannarella@hawaii.gov)

Data Source : Landsat; State of Hawaii GIS.

# **COOPERATIVE AGREEMENT**

between the

## **UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE**

and the

## **STATE OF HAWAII BOARD OF LAND AND NATURAL RESOURCES**

**THIS COOPERATIVE AGREEMENT** is between the **United States Department of Agriculture, Forest Service**, hereinafter referred to as the "Forest Service", and the **State of Hawaii**, by its **Board of Land and Natural Resources**, hereinafter referred to as the "Board". The Forest Service and the Board are jointly referred to as the "Parties".

### **RECITALS:**

Whereas, the Hawaii Tropical Forest Recovery Act of 1992 (Public Law 102-574) authorizes the establishment of the Hawaii Experimental Forest as a center for long-term research and a focal point for developing and transferring knowledge and expertise for the management of tropical forests.

Whereas, the unique biological diversity, resources, and threats to Hawaii's tropical forests pose a critical need to establish experimental forests in Hawaii, where currently none exist.

Whereas, there are areas of State land which are uniquely suited to the conduct of tropical research and, therefore, for designation as the first two units of the Hawaii Experimental Tropical Forests.

Whereas, the Forest Service, through its Pacific Southwest Research Station and its affiliated Institute of Pacific Islands Forestry in Hilo, Hawaii, is authorized to implement the Hawaii Tropical Forest Recovery Act of 1992 on behalf of the United States Department of Agriculture.

Whereas, the Parties deem a cooperative Federal and State research program to be the best way to effect the purposes of the Hawaii Tropical Forest Recovery Act of 1992 and, to that end, to execute and implement this Cooperative Agreement.

**NOW, THEREFORE**, in consideration of the mutual benefits of cooperative research and the other terms and conditions of this agreement, the Parties agree as follows:

## **I. AUTHORITIES.**

A. *For the Forest Service:* This Cooperative Agreement is authorized by section 606(d)(1)(B) of the International Forestry Cooperation Act of 1990, as amended by the Hawaii Tropical Forest Recovery Act of 1992 (Public Law 102-574).

B. *For the State:* This Cooperative Agreement is authorized by Hawaii Revised Statutes (HRS) §§ 171-6, 183-1.5, 195-4, and 195-7.

## **II. HAWAII EXPERIMENTAL TROPICAL FORESTS.**

A. Within 90 days of execution of this Cooperative Agreement, the Secretary of Agriculture will designate pursuant to the Hawaii Tropical Forest Recovery Act (Public Law 102-574), two units of the Hawaii Experimental Tropical Forests located on the island of Hawaii, generally depicted on the map appended hereto as Map 1, as follows:

1. Laupāhoehoe Experimental Forest comprising approximately 12,343 acres on the Island of Hawaii and generally depicted on the map appended hereto as Map 2.
2. Pu'u Wa'awa'a Experimental Forest comprising approximately 38,885 acres on the Island of Hawaii and generally depicted on the map appended hereto as Map 3.

B. The Laupāhoehoe and Pu'u Wa'awa'a Experimental Forests are collectively referred to herein as the "Hawaii Experimental Tropical Forests".

C. The purposes of the Hawaii Experimental Tropical Forests are:

1. To learn how to better restore, preserve, and sustainably manage native tropical forests, streams and entire watersheds of the Pacific, and to provide information to land managers challenged with management of these important landscapes;
2. To be a center for demonstration, education, training, and outreach on tropical forestry, conservation biology, and natural resources research and management;
3. To provide sites dedicated to long term research on tropical forestry, ecology, hydrology, conservation biology, and natural resource management; and

4. To promote research cooperation and collaboration between State, Federal agencies, educational, and other institutions in tropical forestry research in Hawaii.

D. Additional lands may be incorporated into the Experimental Forests with the written concurrence of the Parties in accordance with section 606 of the International Forestry Cooperation Act of 1990, as amended by the Hawaii Tropical Forest Recovery Act of 1992.

### **III. LAND USE AUTHORIZATION.**

On or about the date hereof, the Board of Land and Natural Resources ("Board") will issue to the Department of Agriculture, Forest Service, a permit to use the Hawaii Experimental Tropical Forests in accordance with this Cooperative Agreement.

A. The permit is a non-exclusive authorization for the Forest Service and its assigns to use the Hawaii Experimental Tropical Forests for the purpose of research, education, demonstration, and related purposes.

B. Entities conducting research activities requiring additional federal, state, or county permits or approvals, including but not limited to environmental assessments or conservation district use permits, will be required to acquire those permits through the procedures in effect for obtaining such permits.

C. In the event that the Forest Service needs to build valuable improvements and support facilities in furtherance of activities contemplated under this Cooperative Agreement, then the State shall issue a lease for such purposes on terms and conditions necessary to meet the requirements of 7 U.S.C. § 2250a and HRS §§ 171-95 and 183-11.

D. All research activities to be conducted on the Hawaii Experimental Tropical Forests shall be administered by the Hawaii Experimental Tropical Forests Research Committee as provided in Part VI of this Cooperative Agreement.

### **IV. COOPERATIVE RESEARCH AND MANAGEMENT.**

In furtherance of a long-term philosophy for cooperation at the Hawaii Experimental Tropical Forest and to implement the purposes of the Hawaii Experimental Tropical Forests and Section 606 of the International Forestry Cooperation Act of 1990, as amended by the Hawaii Tropical Forest Recovery Act, the Parties agree:

A. To conduct long term ecological, forestry, hydrological and other natural resources-related, research;



B. To conduct long term studies at scales from the plot to the watershed on forestry, conservation biology, endangered species, and invasive species;

C. To conduct baseline studies and monitor results and benefits of forest management practices on important issues facing Hawaii including but not limited to: weed control, invasive pest control, ungulate management, forest recreation, recreational hunting, fire control, cultural subsistence gathering, protection and reintroduction of native plants and animals, hydrology, and water quality;

D. To conduct studies on forest silviculture, restoration, and sustainable management;

E. To conduct global climate change research;

F. To attract and conduct multidisciplinary research studies by scientists from federal and state agencies, non-governmental organizations, and universities;

G. To provide for forest education and demonstration for groups ranging from school children to continuing education for land managers, natural resource professionals, and the general public;

H. To form a management/research partnership where information needs and new findings are freely exchanged between the Parties; and

I. To construct, maintain and improve needed infrastructure, including:

1. New field station facilities at Laupāhoehoe and renovation of existing structures for use as a field station at Pu'u Wa'awa'a consisting of dormitories, work areas, demonstration/education buildings, and storage facilities on experimental forest lands or other state lands encumbered under lease, license or permit.
2. Gaging stations in streams, weather stations, eddy covariance towers, and similar research structures. Gaging stations can be placed at the lower reaches of Ka'awali'i Stream, Laupāhoehoe Stream, Kilau Stream, Kiwilahiahi stream, Ha'ako'a Stream, and Pahale Stream within the Laupāhoehoe Natural Area Reserve.
3. Development and maintenance of the existing trail system and the development of a limited network of new trails to achieve access, minimize trampling damage and insure safety of users
4. Maintenance and improvement of existing roads to facilitate access and diminish ecological damage from roads in poor condition.

## **V. CONSULTATION.**

A. *In General.* Owing to the many values and benefits that arise from research, education, and demonstration on the Hawaii Tropical Forests and elsewhere, the Parties further agree they will consult and reach agreements with each other to coordinate research, management, and educational activities and to:

1. Jointly develop research and management plans for the Hawaii Experimental Tropical Forests and to update these plans at least every five years;
2. Consult and reach agreement prior to implementing any written policy or plan that may affect the management of or research within the Hawaii Experimental Tropical Forests;
3. Consult and reach agreement during planning for the development of facilities or any major ground disturbing activities;
4. Consult and reach agreement before any major ground disturbing activities that may affect the conduct of research or the biological integrity of the area such as logging, scarification, chemical applications, fencing, etc.

B. *External Consultation.* The Parties will consult with scientists, managers, general citizens, and local community members concerning ongoing research activities. Existing State sanctioned advisory councils may be utilized for this purpose.

## **VI. HAWAII EXPERIMENTAL TROPICAL FORESTS RESEARCH COMMITTEE.**

A. There is hereby established a Hawaii Experimental Tropical Forests Research Committee ("Committee") which will be chaired by the Forest Service. The Committee will consist of one Federal representative and one State representative who will review and recommend for approval research, education, and demonstration activities on lands designated as the Hawaii Experimental Tropical Forests, and recommend such terms and conditions for the conduct of such research as the Committee deems in the public interest consistent with this Cooperative Agreement.

B. The Committee will establish its own procedures and guidelines consistent with this Cooperative Agreement, including the establishment of subcommittees which may be composed of staff or consultants to deal with specific proposals for the Pu'u Wa'awa'a and Laupāhoehoe Experimental Forest Units.

C. The Committee shall be comprised of persons familiar with the on-going management, research, and education activities on the Experimental Tropical Forests:

1. The Director of the Institute of Pacific Islands Forestry in Hilo, Hawaii, or such alternative Federal official as may be named by the Station Director of the Pacific Southwest Research Station, and
2. The Hawaii Island Branch Manager of the Division of Forestry and Wildlife, or such alternative as may be named by the Board of Land and Natural Resources.

D. Additional members of the Committee may be added by mutual agreement by way of an amendment to this Cooperative Agreement.

E. The Committee will act by unanimous agreement to recommend research activities, including any recommended terms and conditions set forth in writing in an agreement with each research proponent. Research and other activities will follow State guidelines and management plans specific for the land area designation and experimental forest where the research will be conducted.

F. The Committee will provide mechanisms for public information and oversight of research activities, and will provide such information to the Secretary of Agriculture for inclusion in the annual reports to Congress as required by section 607 of the International Forestry Cooperation Act of 1990, as amended by the Hawaii Tropical Forest Recovery Act of 1992. A copy of this annual report will also be sent to the Board of Land and Natural Resources and Natural Area Reserves Commission.

G. Committee members shall serve such renewable terms as determined at the pleasure of the Station Director of the Pacific Southwest Research Station and the Board, as the case may be.

## **VII. AUTHORIZATION OF RESEARCH ACTIVITIES.**

A. The Parties agree that the procedures of the Committee in administering, reviewing, and approving research activities, and the State procedures for issuance of permits for State lands should be streamlined and, to the extent possible, consolidated.

B. For areas of the Hawaii Experimental Tropical Forests outside the Natural Area Reserves System (NARS), within 90 days of this agreement, the Board will delegate to its representative on the Committee the authority to approve and issue permits for the use of state lands for research activities approved by the Committee. It is recognized that this delegation will be subject to terms and conditions as the Board may prescribe, and is subject to modification or revocation at the sole discretion of the Board.

C. For areas of the Hawaii Experimental Tropical Forests inside the Natural Area Reserves System, the Parties agree to encourage the NARS Commission to adopt policies and procedures to meet the objectives of paragraph A. It is recognized that any delegation would be subject to terms and conditions as the Commission may prescribe, and is subject to modification or revocation at the sole discretion of the Commission. It is recognized that, as of the date of this Cooperative Agreement, the NARS Commission lacks legal authority to delegate permit approval authority.

D. Forest Service research activities which the State determines to be within the scope of the permit issued pursuant to Part III of this Cooperative Agreement may not require additional authorizations.

### **VIII. RESEARCH ON THE LAUPĀHOEHOE NATURAL AREA RESERVE.**

A. The Laupāhoehoe Experimental Forest will be a site where long term research at the landscape or ahupua'a scale will be made possible. Within this ahupua'a will be a field station on State-leased agriculture lands, a Natural Area Reserve (NAR), and a Forest Reserve (FR).

B. In addition to the other requirements of this Cooperative Agreement, any research conducted on the Laupāhoehoe Natural Area Reserve shall be performed in a manner which is consistent with NARS management objectives, HRS § 195-1.

C. Prior to issuing a recommendation for approval of any proposed research on the Laupāhoehoe NAR, the Committee will consult with the Hawaii Island NARS Area Manager. The Area Manager will be consulted regularly on ongoing research activities to insure research activities remain consistent with NARS objectives and management actions.

### **IX. RESEARCH ON THE PU'U WA'AWA'A EXPERIMENTAL FOREST UNIT .**

A. The Pu'u Wa'awa'a Experimental Forest Unit will be a site where long term research at the landscape or ahupua'a scale will be made possible.

B. In addition to the other requirements of this Cooperative Agreement, any research conducted on the Pu'u Wa'awa'a Experimental Forest Unit shall be performed in a manner which is consistent with or provides information that would improve the Pu'u Wa'awa'a management plan.

## **X. RESEARCH RESULTS.**

A. Unless the Parties agree otherwise on any given project, the rights to publication, patent, or otherwise to any research results shall accrue to the respective party(s) conducting the research.

B. Each agency shall be acknowledged in publications and audiovisuals as a result of this Cooperative Agreement.

C. Within a reasonable period after completion of research or management activities, the Committee shall require that all information be included in an Experimental Forest data base.

D. Metadata including weather and streamflow data will be made available to the Parties as soon as is practically possible.

## **XI. MANAGEMENT ACTIVITIES ON HAWAII EXPERIMENTAL TROPICAL FORESTS.**

A. *Occupancy and Use.* By this Cooperative Agreement and the permit referenced in Section III.A, persons employed by the Forest Service, are authorized general entry upon the Hawaii Experimental Tropical Forests for research, education, demonstration, and related purposes as set forth herein.

B. *Assignees, contractors and cooperators.* Either Party may authorize entry to the Hawaii Experimental Tropical Forests to assignees and contractors to carry out activities authorized under any permit or authorization, insofar as such entry and activities undertaken do not interfere with any ongoing or planned research or management activities. This Cooperative Agreement does not restrict the Forest Service or the Board from participating in similar research activities with other public or private agencies, organizations, and individuals.

C. *Public Access.*

1. If so authorized, public access will be regulated by the Board to accommodate, in a manner compatible with, ongoing research or management activities. The Board will appropriately manage public access so that threats to public safety are minimized.
2. The Board shall be primarily responsible to utilize its authorities under state law to enforce regulations and permit requirements.

D. *State Management.* The Board will be primarily responsible for normal land management functions including, but not limited to, control of public access, fire suppression, law enforcement, regulation of hunting and grazing activities, invasive species management, and



forest disease, insect, and ungulate control. The Parties will consult with each other and reach an agreement prior to implementing any activity which may impede ongoing management or research activities.

E. *Emergencies.* Nothing in this Cooperative Agreement shall be interpreted to impede the State's prerogatives in dealing with immediate emergencies such as fire or other immediate threats to human safety, which may be undertaken without prior consultation with the Forest Service or the Committee.

F. *Environmental Compliance.* The Committee shall assure that all research activities fully comply with the requirements of all applicable state and federal environmental laws and regulations.

G. *Maintenance of Improvements.* Unless the Parties agree otherwise on a case-by-case basis, the Forest Service will maintain the improvements on the land that are being used by the Forest Service or its assigns for research purposes. The Board will be responsible for maintenance of all other improvements.

## **XII. FUNDING.**

A. *No Obligations of Funds.* This Cooperative Agreement is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds, transfer of property, services or anything of value between the parties will be handled in accordance with applicable regulations, and procedures including those for Governmental procurement or printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. Any contract or agreement for training or other services must fully comply with all applicable procurement procedures.

B. *Anti-deficiency.* All activities and operations of the Forest Service and the Board are subject to the availability of appropriated funds. Nothing in this Cooperative Agreement shall be interpreted as obligating unappropriated funds by either entity.

## **XIII. LIABILITIES.**

The Parties agree that liability for any loss, damage, claim, demand, or action, caused by, arising out of or connected with the operations authorized by this Cooperative Agreement shall be governed by applicable state and federal law. For the Forest Service, tort claims will be governed by the provisions of the Federal Tort Claims Act (28 U.S.C. §§ 2671, *et seq.*).

#### **XIV. TERM, EVALUATION AND MODIFICATION.**

A. *Term.* This instrument is executed as of the last date shown below which shall be the commencement date. This instrument will remain in effect for Thirty Five (35) years after which it is renewable at the option of the Parties.

B. *Evaluation.* This Cooperative Agreement may be reviewed, evaluated, and updated at any time, but no later than ten (10) years from the commencement date.

C. *Modification.* This Cooperative Agreement may be modified at any time by mutual agreement of the Parties. Modifications shall be in writing executed by the authorized officer representing the Forest Service and the Board respectively. For purposes of this modification provision, such authorized officers are the Station Director of the Pacific Southwest Research Station, and the Board of Land and Natural Resources for all substantive changes and the Chairperson of the Board for nonsubstantive changes to facilitate processing such changes.

#### **XV. DISPUTES.**

A. *Laupāhoehoe Natural Area Reserve.* Disputes that cannot be resolved within the Committee concerning research permission on the NAR will be taken to the Natural Area Reserves System Commission for their recommendation to the Board of Land and Natural Resources.

B. *Other Disputes.* Any other dispute among the parties in implementation of the Permit or this Cooperative Agreement shall be elevated to the Station Director, Pacific Southwest Research Station, and the Board of Land and Natural Resources, State of Hawaii.

#### **XVI. TERMINATION.**

Either party, in writing, may terminate the instrument in whole, or in part, at any time before the date of expiration. Unless otherwise by mutual agreement, two years advance notice shall be provided prior to termination.

#### **XVII. PRINCIPAL CONTACTS.**

The principal contacts for administering this Cooperative Agreement are:

- A. *U.S. Department of Agriculture:*  
Director, Institute of Pacific Islands Forestry  
Pacific Southwest Research Station  
Department of Agriculture, Forest Service

- B. *State of Hawaii:*  
Administrator, Division of Forestry and Wildlife  
Department of Land and Natural Resources

#### **XVIII. MISCELLANEOUS PROVISIONS.**

A. *Disclaimers.* Nothing in this Cooperative Agreement shall be construed as affecting in any way the delegated authority or responsibilities of the Board of Land and Natural Resources or the Forest Service. This Cooperative agreement shall not supercede any agreements currently in effect between State and the Forest Service.

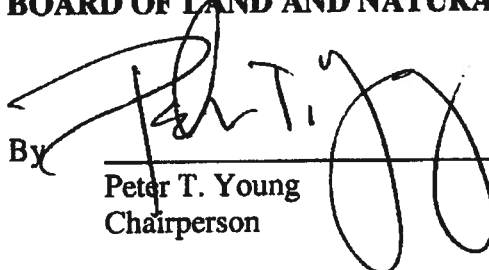
B. *Additional Parties.* By modification of this Cooperative Agreement by the Parties, additional governmental, non-profit organizations, and other entities may be made party thereto on such terms and conditions as the Board and the Forest Service may agree.

**IN WITNESS WHEREOF**, the parties hereto have executed this Cooperative Agreement as of the last date written below.

#### **U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE**

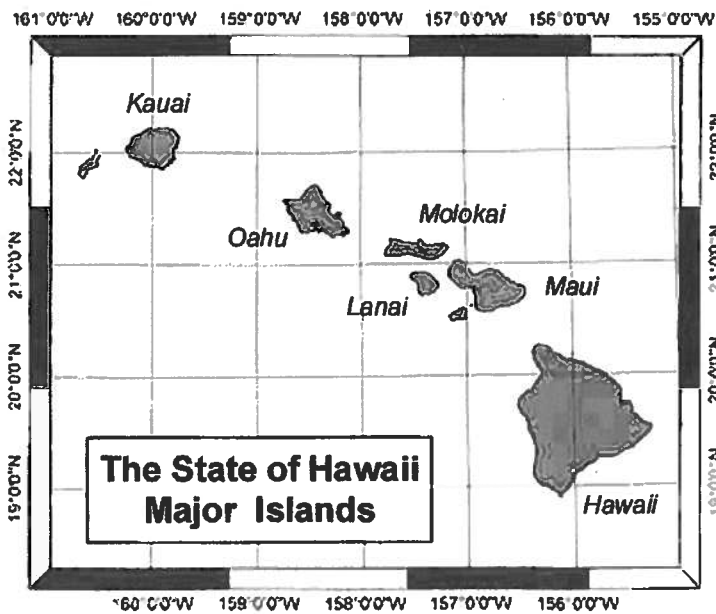
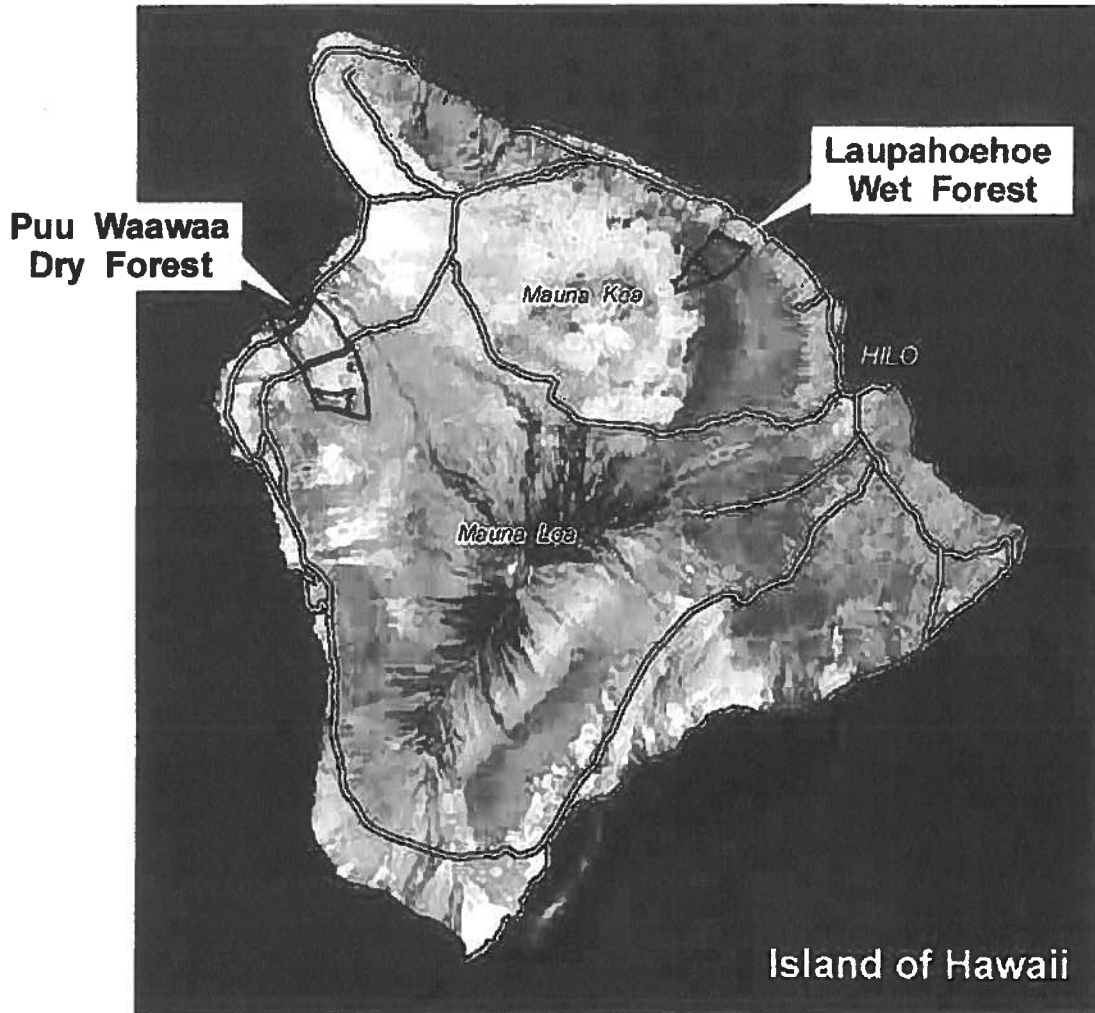
By  12/12/06  
for Dale Bosworth Date  
Chief

#### **STATE OF HAWAII BOARD OF LAND AND NATURAL RESOURCES**

By  \_\_\_\_\_  
Peter T. Young Date  
Chairperson

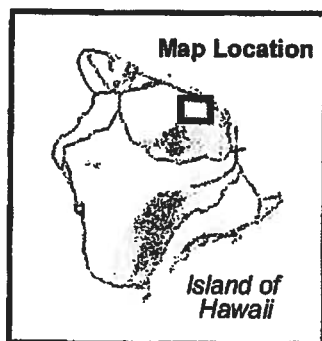
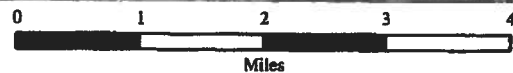
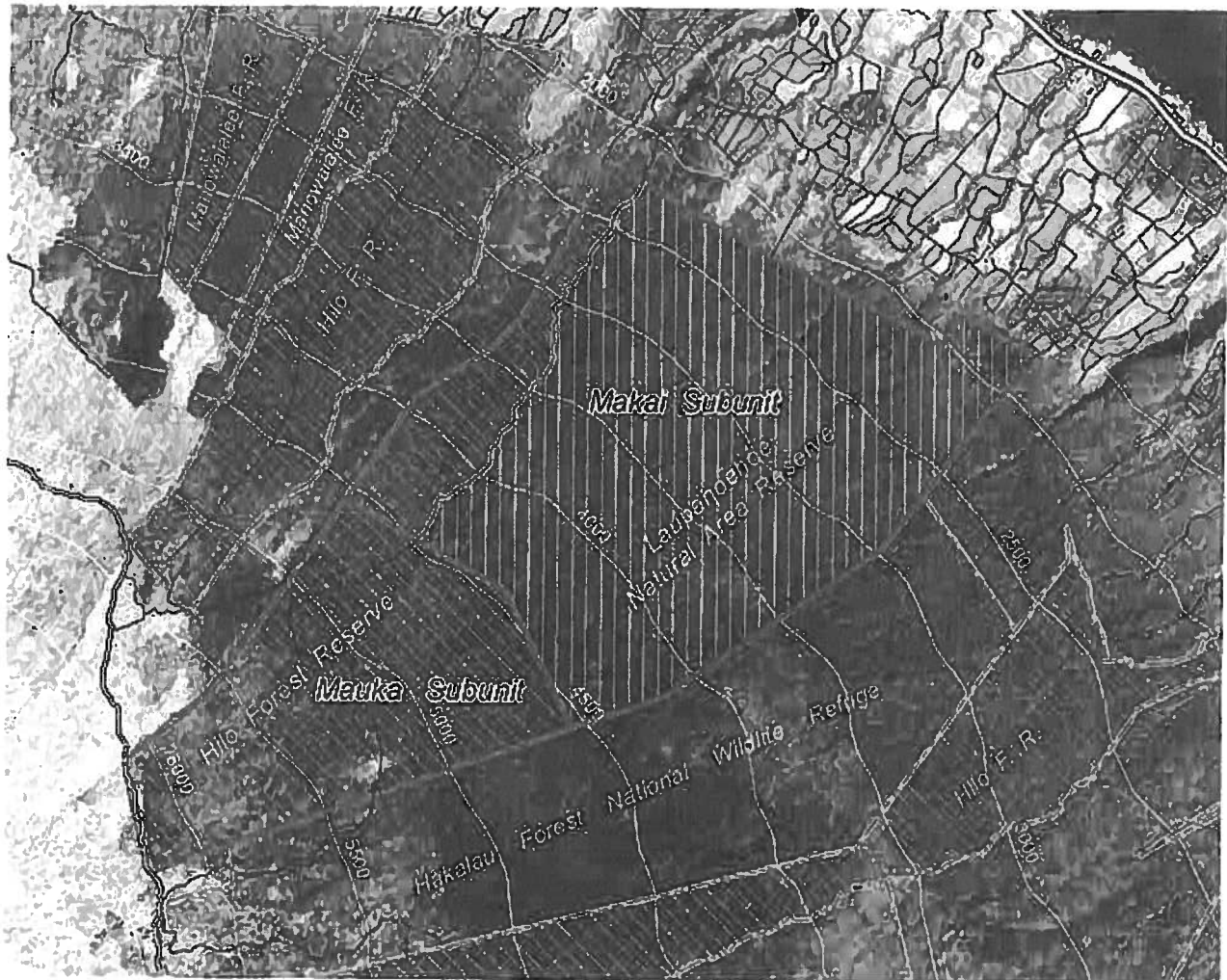
Approved by the Board of Land and Natural Resources  
at its meeting held on DEC 08 2006

## MAP 1. Location



State of Hawaii  
Department of Land and Natural Resources  
Division of Forestry and Wildlife  
Map No. FW - 0669 (08/2006)  
Contact: Ronald Cannarella  
Telephone: (808) 383-3077  
Email: [Ronald.J.Cannarella@hawaii.gov](mailto:Ronald.J.Cannarella@hawaii.gov)

## MAP 2. Laupahoehoe Wet Forest : Subunits and Geography



### Legend

- HETF Boundary
- Forest Reserve
- Natural Area Reserve
- Major Road
- Secondary Road
- Minor Road and Trail
- Stream
- 500-Foot Contour

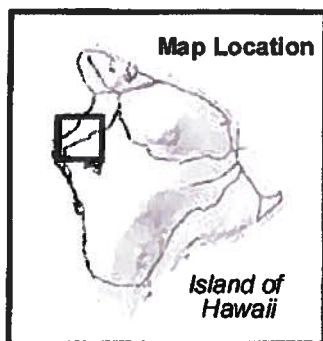
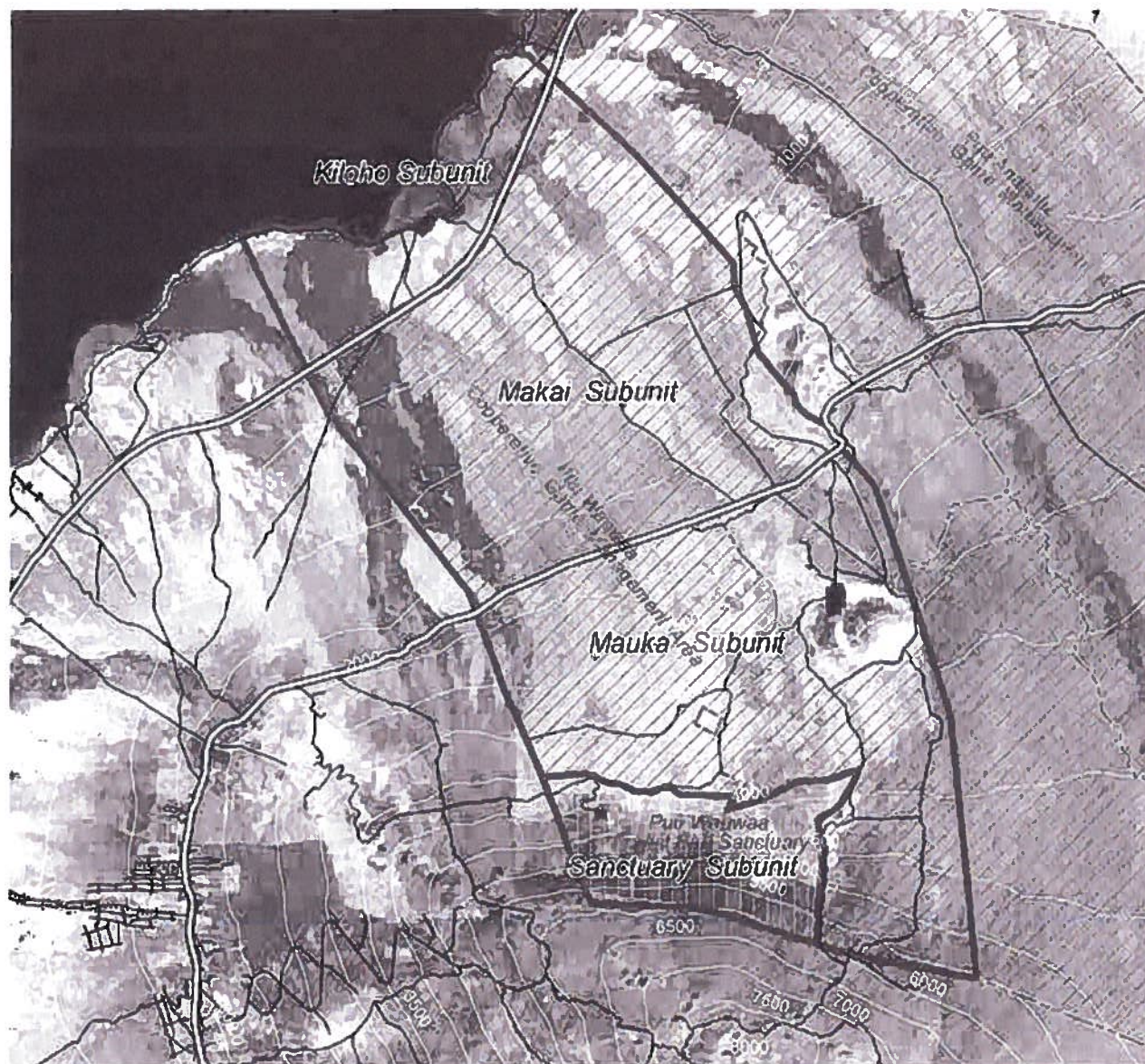


State of Hawaii  
Department of Land and Natural Resources  
Division of Forestry and Wildlife  
Map No. FW - 0670 (08/2006)  
Contact: Ronald Cannarella  
Telephone: (808) 383-3077  
Email: Ronald.J.Cannarella@hawaii.gov

Data Source : Landsat; State of Hawaii GIS.



# MAP 3. Puu Waawaa Dry Forest : Subunits and Geography



## Legend

-  HETF Boundary
-  Game Management Area
-  Bird Sanctuary
-  Major Road
-  Minor Road and Trail
-  Stream
-  500-Foot Contour



State of Hawaii  
Department of Land and Natural Resources  
Division of Forestry and Wildlife  
Map No. FW - 0673 (08/2006)  
Contact: Ronald Cannarella  
Telephone: (808) 383-3077  
Email: Ronald.J.Cannarella@hawaii.gov

Data Source : Landsat; State of Hawaii GIS.

**Delegation of Selected Permitting Approval Authority for Research Activities**  
**Undertaken on the Hawaii Experimental Tropical Forest**

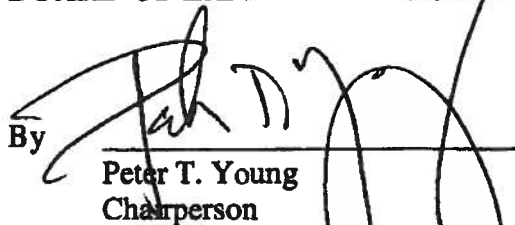
The authority to approve permits and permit terms and conditions for the following research activities conducted on the Hawaii Experimental Tropical Forest is hereby delegated to the Hawaii Island Branch Manager of the Division of Forestry and Wildlife when performing duties as authorized by the Cooperative Agreement for research between the State of Hawaii and the U.S. Forest Service. For purposes of this Exhibit A, "non-destructive" means an activity that does not destroy or harm the object of analysis.

1. Non-destructive inventory, measurements, censuses, and monitoring of trees, ferns, understory plants, birds, mammals, insects, and aquatic organisms where there is no harm to the organisms (includes both ground-based and remotely sensed measures).
2. Non-destructive inventory, measurements, and monitoring of the forest floor, dead and downed wood, and soils.
3. Non-destructive inventory, measurements, and monitoring of streams, ponds, and other aquatic ecosystems.
4. Nondestructive hydrological and geomorphic studies which do not involve the erection of structures or long term placement of equipment.
5. Research involving cutting and/or removal of exotic/nonnative vegetation that does not directly disrupt native forest species, forest composition, or forest structure (limited to test plots  $\leq 10$  acres in area).
6. Research on the use of pesticides/herbicides/prescribed fire/grazing animals to control invasive species (does not directly disrupt native forest species, composition, or structure, and limited to test plots  $\leq 10$  acres in area).
7. Erection of small protective fences and barriers  $\leq 10$  acre in area (and the removal of exotic species within such plots).
8. Construction of temporary blinds and field observation structures.
9. Soil and plant nutrient cycling research.
10. Biocontrol research to control invasive plants and animals - manipulate densities of state and federally permitted biocontrol agents through redistribution and experimental methods, including caging plants or parts of plants.



11. Sampling air and gasses (plant and soil respiration) within the experimental forest.
12. Placement of temporary electronic devices for environmental monitoring or sampling (for periods  $\leq 36$  months).
13. Introduction and use of Carbon, Oxygen, Nitrogen and other isotopes for research.
14. Non-destructive collection of plant material (excluding all listed T&E plants), soils, and water samples for laboratory analysis.
15. Collection of plant and insect samples that are from common, exotic, and abundant taxa for laboratory, greenhouse, or herbarium sampling (excluding all listed T&E species).
16. Maintenance of a trail system for access.

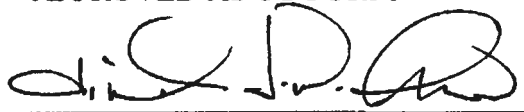
**STATE OF HAWAII  
BOARD OF LAND AND NATURAL RESOURCES**

By  \_\_\_\_\_  
Peter T. Young  
Chairperson

\_\_\_\_\_  
Date

Approved by the Board of Land and Natural Resources  
at its meeting held on DEC 08 2006.

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Deputy Attorney General

Date: 12/8/06